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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,147	02/13/2002	Christophe Castres	Q68224	5450

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EXAMINER

BEAMER, TEMICA M

ART UNIT PAPER NUMBER

2681

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,147

Applicant(s)

CASTRES ET AL.

Examiner

Temica M. Beamer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 and 16-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells et al (Wells), U.S. Patent No. 5,870,683.

Regarding claims 1 and 17, Wells discloses a method/structure of managing animation of icons defined in a message transmitted over a telecommunication network between a sender terminal and a receiver terminal (col. 10, lines 9-19), wherein: a data structure is constructed in which, the icons are associated with a sequence of words for managing animation of said icons, including a first type of word defining an icon display time and a second type of word defining a cross-reference to a selected icon defined in the data structure, and the sequence is executed so that the display time of a selected icon is imposed by the last word of the first type that precedes the word of the second type cross-referencing the selected icon (which reads on progress animations that present a plurality of different frames or scenes in progression) (col. 2, lines 26-33, col. 4, line 61-col. 5, line 45 and col. 10, lines 9-19).

Regarding claim 2, Wells discloses a method according to claim 1, wherein the sequence is defined in a data medium of the receiver terminal and the data structure is constructed in the receiver terminal (col. 3, line 54-col. 4, line 11, col. 10, lines 9-19).

Regarding claim 3, Wells discloses a method according to claim 2, wherein the message in which the icons are defined is an EMS message (col. 10, lines 9-19).

Regarding claim 4, Wells discloses a method according to claim 1, wherein the data structure is constructed in the message transmitted between the sender terminal and the receiver terminal (col. 10, lines 9-19).

Regarding claim 5, Wells discloses a method according to claim 4, wherein the message transmitted between the sender terminal and the receiver terminal is an SMS message (col. 10, lines 9-19).

Regarding claims 6 and 18, Wells discloses a method/structure according to claims 1 and 17, wherein the icons to be animated are defined one after the other in the data structure (col. 10, lines 9-19).

Regarding claims 7 and 19, Wells discloses a method/structure according to claims 1 and 18 wherein the icon defined first in the data structure is directly preceded by the animation management sequence (col. 4, line 37-col. 5, line 22).

Regarding claims 8 and 20, Wells discloses a method/structure according to claims 1 and 17, wherein, in the data structure, the animation management sequence is directly preceded by a word defining the size of the sequence (col. 4, line 37-col. 5, line 22).

Regarding claims 9 and 21, Wells discloses a method/structure according to claims 1 and 17, wherein the first word of the animation management sequence is of the first type (col. 5, lines 10-22).

Regarding claims 10 and 22, Wells discloses a method/structure according to claims 1 and 17, wherein the words and the icons are defined by bytes and the words of the second type define a byte skip (col. 5, lines 10-38).

Regarding claims 11 and 23, Wells discloses a method according to claim 1, wherein the words of the first type defining an icon display time are coded by a series of bits including a first part defining a predetermined code identifying the type of word and a second part defining an icon display time parameter (col. 3, line 57-col. 4, line 36).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-15 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells.

Regarding claims 12-14 and 24-26, Wells discloses a method according to claims 1 and 17 as described above and further discloses wherein the words/frames are inherently coded since the terminal knows how to and how long to display animations

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(col. 4, lines 11-36 and col. 5, lines 10-22). Wells, however, fails to specifically disclose wherein the words of the first and second types are numbers expressed in hexadecimal notation, wherein the words of the first and second types are coded on 16 bits and wherein the words of the first and second types are coded on 16 bits, and wherein, in words of the first type, the predetermined code identifying the type of word is coded by the first four bits and the icon display time parameter is coded by the last twelve bits.

The examiner contends, however, that at the time of invention, it would have been obvious to a person of ordinary skill in the art to implement the coding as claimed since the coding claimed is performing the same function as the inherent coding in Wells, in that the terminal knows how long to display animations based on the information in the frames (col. 4, lines 11-36 and col. 5, lines 10-22). Further, such implementation of the claimed coding technique would only require routine skill.

Regarding claim 15, Wells discloses a method according to claim 1, wherein the telecommunication network is a wireless network (col. 1, lines 6-8).

Wells, however, fails to disclose wherein the network is a GSM network. The examiner contends, however, that the GSM network is well known in the cellular art, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Wells specifically with a GSM network for the purpose of providing digital service to subscribers.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naughton et al, U.S. Patent No. 6,344,861.

Steele et al, U.S. Patent No. 5,973,694.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Beamer whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Beamer
Examiner
Art Unit 2681

October 1, 2004

